IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 23064 of 2006

Dated 3rd November, 2006

Between

B.Kishore

…Petitioner

and

The Registrar, JNTU, Kukatpally, Hyderabad and ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :23064 of 2006

ORDER:

The petitioner, a student of second year engineering course, has filed this Writ Petition seeking a declaration that his detention in the third semester on account of shortage of attendance is illegal and for consequential direction to allow him to appear for the third semester practical and theory examinations to be commenced from 7-11-2006 and 13-11-2006 respectively.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is suffering with serious ailment and taking treatment in Indo American Cancer Institute & Research Center, at Banjara Hills, Hyderabad. It is further stated that he has put in 53% of attendance in the second year engineering course i.e. third semester.

As per the academic regulations, a minimum attendance of 75% is required to acquire the eligibility to write examinations. However, the Academic Committee can condone the shortage of attendance in aggregate upto 10%. Therefore, even to seek condonation of shortage in attendance, one must have put in the attendance of not below 65%. Though, unfortunately in this case the petitioner at young age is suffering with serious ailment, but in view of the academic regulations framed by the University itself, this Court cannot issue directions which run contrary to the academic regulations. In a similar matter, a Division Bench of this Court in the case of *M.Sunil Chakravarthy Vs. Principal Sreekalahasteeswara*[1] has clearly held that what is prohibited by regulations of the University cannot be the subject matter of mandamus. In that view of the matter, no direction can be issued to direct the respondents to allow the petitioner to write examinations

However, having regard to the serious ailment being suffered by the petitioner, it is open for the petitioner to make a representation to the respondent-University. If such a representation is filed, the respondent-University shall consider the same and take appropriate decision in the matter.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 06-11-2006.
Msnr.

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[1] 2005(1)ALD 253 (DB)